

ORIGINAL

SOED

DAVID J. MORTENSEN, ESQ.
Nevada Bar No. 2547
COURTNEY CHRISTOPHER, ESQ.
Nevada Bar No. 12717
BRITTANY A. LEWIS, ESQ.
Nevada Bar No. 14565
MESSNER REEVES LLP
8945 West Russell Road, Suite 300
Las Vegas, Nevada 89148
Telephone: (702) 363-5100
Facsimile: (702) 363-5101
E-mail: dmortensen@messner.com
cchristopher@messner.com
blewis@messner.com

Attorneys for Defendants

Serenity Health and Gaby Cruz, and Specially-Appearing Defendants Michael Mall, Jeffrey M. Rhoden, Patricia Rhoden, and Sharon Benes

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SANKONA GRAHAM

Case No. 2:21-cv-01674-RFB-VCE

Plaintiff

vs.

THEODORE EISENLOFFEL; SAMUEL MOUNCE; THE COUNTY OF NYE; SHARON A. WEHRLY; DAVID BORUCHOWITZ; WILLIAM GRAY; RAYMOND HUNTLEY; KRISTEN CLEVELAND; SERENITY HEALTH; GABY CRUZ; MICHAEL MALL; JEFF M. RHODEN; PATRICIA RHODEN; SHARON BENES; DOE INDIVIDUALS I-X; ROE ENTITIES I-X, inclusive.

Defendants

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(FIRST REQUEST)

IT IS HEREBY STIPULATED AND AGREED, by all parties, by and through their respective counsel of record, to extend the last day to amend pleading and add parties, the expert

1 disclosure deadlines, the close of discovery, the dispositive motion deadlines, and joint pre-trial order
2 deadline.

3 **A. DISCOVERY COMPLETED**

- 4 1. Plaintiff Graham served interrogatories upon Defendants Eisenloffel and Mounce, to
5 which verified answers were served; and
6 2. Defendant Eisenloffel has served interrogatories, requests for admissions and requests
7 for production upon Plaintiff, to which responses are not yet due.

8 **B. REMAINING DISCOVERY**

- 9 1. The deposition of Plaintiff Sankona Graham needs to be scheduled;
10 2. Continue obtaining medical records from Plaintiff's treating providers and disclosure
11 of same;
12 3. Written discovery from Serenity Health and Gaby Cruz to Plaintiff Graham;
13 4. Depositions of relevant additional fact witnesses;
14 5. Disclosure of Plaintiff's and Defendants' expert and/or rebuttal expert witnesses; and
15 6. Further discovery as necessary.

16 **C. REASON FOR NOT COMPLETING DISCOVERY**

17 The Parties respectfully request an extension to the current discovery schedule as the current
18 discovery deadlines provide insufficient time to complete the remaining discovery and would impose
19 undue time and economic burdens on all parties, as Defendants Serenity Health and Gaby Cruz
20 initially were named in Plaintiff's Second Amended Complaint and served on December 21, 2022.
21 Defendants Michael Mall, Jeff M. Rhoden, Patricia Rhoden, and Sharon Benes have also been named
22 in Plaintiff's Second Amended Complaint. However, Defendants have a pending Motion to Quash
23 Service before this Court challenging personal jurisdiction. As such, these stipulating parties do not
24 want to complete the remaining discovery, such as party depositions and disclosure of experts,
25 without all parties to this action being present. Conducting the remaining discovery without all named
26 parties' participation would surely impose unnecessary economic burden as the disclosure of experts
27

1 and parties' depositions will need to be reconducted with Michael Mall, Jeff M. Rhoden, Patricia
 2 Rhoden, and Sharon Benes presence. Accordingly, additional time is needed to conduct the requisite
 3 discovery, investigation, and preparation to ensure that this matter is properly adjudicated on the
 4 merits.

5 **D. CURRENT DEADLINES**

6	Last Day to Amend Pleadings or Add Parties:	February 1, 2023
7	Initial Expert Disclosures:	March 3, 2023
8	Rebuttal Expert Disclosures:	April 3, 2023
9	Close of Discovery:	May 2, 2023
10	Last Day to File Dispositive Motions:	June 1, 2023
11	Joint Pre-Trial Order:	July 3, 2023

12 **E. PROPOSED DEADLINES**

13	Last Day to Amend Pleadings or Add Parties:	February 1, 2023	
14	Initial Expert Disclosures:	June 1, 2023	If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.
15	Rebuttal Expert Disclosures:	July 5, 2023	
16	Close of Discovery:	September 4, 2023	
17	Last Day to File Dispositive Motions:	October 4, 2023	
18	Joint Pre-Trial Order:	December 4, 2023	

19 If this limited amendment is granted, the parties anticipate being able to conduct all additional
 20 discovery within the stipulated extended deadlines. This request for limited adjustment of discovery
 21 deadlines is made by the parties in good faith and not for the purpose of delay.

22 ...

23 ...

26 ...

1 **IT IS SO STIPULATED.**

2 Counsel to this matter have agreed to the use of their e-signatures via email-correspondence,
3 attached hereto. Plaintiff Graham has given his approval via written correspondence.

4 DATED this 1 day of MARCH, 2023 DATED this 3rd day of March, 2023
5

6 APPEARING PRO SE

7 

8 Sankona Graham
9 1530943 (Inmate #) 1530943
Nye County Detention Center
10 1521 East Siri Lane
Pahrump, NV 89060
11 *Pro Se*

MESSNER REEVES LLP

12 */s/ Brittany A. Lewis*
Courtney Christopher, Esq. (NBN 12717)
Brittany A. Lewis, Esq. (NBN 14565)
8945 West Russell Road, Suite 300
Las Vegas, Nevada 89148
Attorneys for Defendants
Serenity Health and Gaby Cruz, and Specially-
Appearing Defendants Michael Mall, Jeffrey
M. Rhoden, Patricia Rhoden, and Sharon
Benes

13 DATED this 3rd day of March, 2023

14 ERICKSON, THORPE & SWAINSTON,
LTD.

15 */s/ Brent Ryman*
Brent Ryman, Esq. (NBN 008648)
1885 South Arlington Ave., Suite 205
Reno, Nevada 89509
18 *Attorneys for Defendants Eisenloffel and*
Mounce

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Stipulation to Extend Discovery Deadlines (First Request) is hereby granted and that the discovery deadlines shall be extended as follows:

5	Last Day to Amend Pleadings or Add Parties:	February 1, 2023
6	Initial Expert Disclosures:	June 1, 2023
7	Rebuttal Expert Disclosures:	July 5, 2023
8	Close of Discovery:	September 4, 2023
9	Last Day to File Dispositive Motions:	October 4, 2023
10	Joint Pre-Trial Order:	December 4, 2023

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

Dated 3-16-2023

UNITED STATES MAGISTRATE

Respectfully submitted by:

MESSNER REEVES LLP

/s/ Brittany A. Lewis, Esq.

03/03/2023

DAVID J. MORTENSEN, ESQ. (NBN 2547)
COURTNEY CHRISTOPHER, ESQ. (NBN 12717)
BRITTANY A. LEWIS, ESQ. (NBN 14565)
8945 West Russell Road, Suite 300
Las Vegas, Nevada 89148

DATED

*Attorneys for Defendants
Serenity Health and Gaby Cruz, and Specially-
Appearing Defendants Michael Mall, Jeffrey
M. Rhoden, Patricia Rhoden, and Sharon Benes*